

Application No. 09/708,475
Art Unit 1624

February 28, 2003

Remarks

Reconsideration of the Examiner's Action dated August 30, 2002 is requested.

Status of the Claims

The Examiner's Action addresses all of the applicants' pending claims, namely Claims 1 to 48, 50 to 56 and 58 to 115. Claims 26, 28, 96 to 103 and 109 to 115 are allowed. Claims 1, 9, 25, 27, 29 to 33, 37, 46, 54, 66, 74, 86 to 89, 92, 93, and 104 have been amended. No claims have been added. No claims have been cancelled. Accordingly, there are presented for the Examiner's consideration Claims 1, 9, 25, 27, 29 to 33, 37, 46, 54, 66, 74, 86 to 89, 92, 93, and 104.

Summary of Examiner's Rejections

Claims 1 to 6, 10 to 13, 30, 35, 44, and 45 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stokbroekx et al. (EP 0 398 425). Claims 1 to 13, 25, 27, 29 to 48, 50 to 56, 58 to 104 have been rejected under § 112, second paragraph. Claims 14 to 24 have been objected to as being dependent on rejected base claims.

Reconsideration of the Examiner's rejections is requested respectfully.

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Discussion of the § 103 Rejections in Paragraph 5. Of the Action

The Examiner has rejected Claims 1 to 6, 10 to 13, 30, 35, 44, and 45 under § 103 based on Stokbroekx et al (EP 0 398 425). It is submitted respectfully that amendments to independent Claims 1 and 30 overcome the § 103 rejections of these claims.

Claims 1 and 30 have been amended by adding the term "H or" to the definition of R_{23} in the exclusionary clause recited towards the end of the aforementioned claims, thus excluding compounds where R is carboxyl when X is O or when S and Y are hydrogen. Claims 31 to 33, 46, 66, 86 to 89, 92, and 93, all of which contain the similar exclusionary clause, have been amended in the similar manner. Accordingly, applicants request respectfully that the rejection be withdrawn.

Discussion of the § 112 Rejections in Paragraph 7. Of the Action

It is submitted respectfully that amendments to Claims 1, 9, 25, 27, 29 to 33, 37, 46, 54, 66, 74, 86 to 89, 92, 93, and 104 overcome various of the §112 rejections of these claims, as discussed below in paragraphs which correspond to various of the subparagraphs which appear in paragraph 7. of the Action.

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- a) Three double bonds have been inserted to replace a circle in the six-member ring in Claim 1 to have it conform to the species recited in original Claim 1, column 105, line 35, of involved U.S. Patent No. 5,658,911.
- b) An n-dash indicating a second point of attachment has been added to S in the definition of X in Claim 9 to have it conform to the species recited in original Claim 9 in column 106, line 22, of involved U.S. Patent No. 5,658,911.
- c) The term "or" has been added in front of the last moiety of the definition of Y in Claim 9.
- d) The period after F in the definition of Y has been deleted from Claim 9 to have it conform to the species recited in original Claim 9 in column 106, line 22, of involved U.S. Patent No. 5,658,911.
- e) The moiety "CL" has been deleted in favor of --Cl-- in the definition of Y in Claim 9 to have it conform to the species recited in original Claim 9 in column 106, line 22, of involved U.S. Patent No. 5,658,911.
- f) The term "or" has been added in front of the last moiety of the definition of R in Claim 9.

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- g) The underlining of the term "or" has been deleted in the definition of X in Claim 25, the term has been moved in front of the moiety to be deleted, and a vertical line bond above the N indicating a second point of attachment in the last moiety has been added.
- h) The moiety "phenyl sulfonyl" in the definition of R₂ in Claim 25 has been placed into brackets indicating text to be deleted and an underlined term "phenylsulfonyl" has been added to have it conform to species recited in other similar claims in involved U.S. Patent No. 5,658,911.
- i) Three double bonds have been inserted to replace a circle in the six-member ring in Claim 25 to have it conform to the species recited in original Claim 25 in column 107, line 30, of involved U.S. Patent No. 5,658,911.
- j) The term "or" has been added in front of the last moiety of the definition of R in Claim 27.
- k) Three double bonds have been inserted to replace a circle in the six-member ring in Claim 29 to have it conform to the species recited in original Claim 25 in column 109, line 40, of involved U.S. Patent No. 5,658,911.
- l) The term "iS" within the brackets in Claim 30 has been inserted in place of the term "is" to have it conform to original Claim 30 in column 110, line 37, of involved U.S. Patent No. 5,658,911.

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- m) The term "is" has been deleted from the definition of p in Claim 30 to have it conform to the species recited in original Claim 30 in column 110, line 49, of involved U.S. Patent No. 5,658,911.
- n) Three double bonds have been inserted to replace a circle in the six-member ring in Claim 30 to have it conform to the species recited in original Claim 30 in column 111, line 22, of involved U.S. Patent No. 5,658,911.
- o) Three double bonds have been inserted to replace a circle in the six-member ring in Claim 31 to have it conform to the species recited in original Claim 31 in column 113, line 23, of involved U.S. Patent No. 5,658,911.
- p) The comma after the term "amino" has been underlined to indicate text to be added to Claim 32.
- q) The moiety R_{21} has been inserted to replace moiety R_{22} in the definition of R_{22} in Claim 32 to have it conform to the species recited in original Claim 32 in col. 114, line 38, of involved U.S. Patent No. 5,658,911.
- r) Three double bonds have been inserted to replace a circle in the six-member ring in Claim 32 to have it conform to the species recited in original Claim 32 in column 115, line 24, of involved U.S. Patent No. 5,658,911.

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- s) Three double bonds have been inserted to replace a circle in the six-member ring in Claim 33 to have it conform to the species recited in original Claim 33 in column 117, line 19, of involved U.S. Patent No. 5,658,911.
- t) The first occurrence of "29" has been placed into brackets and underlined "28" has been added in Claim 37 to correct the typographical error in col. 118, line 18.
- u) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 46.
- v) The term "or" has been inserted between the last two moieties in each of the definitions of Y and R in Claim 54.
- w) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 66.
- x) The term "or" has been inserted between the last two moieties in each of the definitions of Y and R in Claim 74.
- y) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 86.

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- z) The second point of attachment for moiety $-N(R_2)$ in the definition of X in Claim 87 has been indicated by a vertical bar above the N, which is found separated from the moiety on the bottom of preceding page 33 of applicants' June 13, 2002 Reply in response to the previous Office Action.
- aa) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 87.
- bb) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 88.
- cc) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 89.
- dd) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 92.
- ee) The term "or" has been inserted between the last two moieties in the definition of R_5 in Claim 93. and
- ff) The term "or" has been inserted between the last two moieties in each of the definitions of Y and R in Claim 104.

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Additional amendments to Claims 1, 25, 29, 30 to 33, 46, 66, 86, 87 to 89, 92, and 93 include insertion of the term "wherein" in the claims as appropriate.

Discussion of the Claim Objections in Paragraph 9. Of the Action

The Examiner has objected to Claims 14 to 24 as being dependent upon rejected base claims. It is believed that all of the base claims are now in allowable condition and, thus, a withdrawal of the objection to these claims is requested respectfully.

Conclusion

In view of the foregoing amendments and remarks, applicants request respectfully that applicants' claims be allowed.

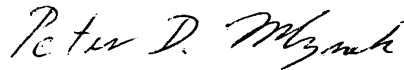
If the Examiner believes that there are matters that require additional attention in order to place the application in condition for allowance, the Examiner is invited to telephone the undersigned.

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A Petition for a three-month extension is filed concurrently herewith.

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